



**THE ATTORNEY GENERAL
OF TEXAS**

Gerald C. Mann
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ATTORNEY GENERAL

AUSTIN 11, TEXAS

Overruled by MS-242

February 8, 1939

Hon. J. Manley Head
Senator, 21st District
State Senate
Austin, Texas

Opinion No. 0-177
Re: Tuition collected from
students registering in State
Institutions of Higher learn-
ing after September 31, 1933.

Dear Senator:

Your communication of February 1, 1939, has been re-
ceived, which letter reads as follows:

"There is now some confusion among the higher institutions of learning as to whether or not fees may be charged for instruction in the Fine Arts Department other than the \$25.00 per semester fee required of all students. In other words, it is the desire of a number of higher institutions of learning to know whether or not they may charge fees for individual instruction in their Fine Arts Departments. We would like an interpretation of the law by your Department."

In reply to your inquiry, this is to advise that a study has been made of Senate Bill No. 202 of March 30, 1927, commonly known as the Pollard Bill and shown in the Revised Statutes as Article 2654a, and House Bill No. 322, as approved on June 3, 1933, now demoninated as Article 2654c of the Revised Statutes.

We are of the opinion that Article 2654c being the later law and repealing all laws and parts of laws in conflict with it is the statute under which institutions of higher learning, supported by legislative appropriation, operate at this time with regard to tuition rates charged.

This law reads, in part, as follows:

"1. From each resident student, who registers for twelve (12) or more semester hours of work per semester of four and one-half (4 1/2) months, Twenty-five Dollars (\$25.00) per semester; or, who registers for twelve (12) or more term hours of work per term of three (3) months, Sixteen Dollars and Sixty-seven Cents (\$16.67) per term.

"3. From each resident or non-resident student who registers for less than twelve (12) semester or term hours of work, a sum proportionately less than that hereinabove prescribed therefor, provided each student registered shall pay no less than Seven Dollars and Fifty Cents (\$7.50) per semester nor less than Five Dollars (\$5.00) per term.

"4. From each student registering for a summer session, such amount as shall be fixed by the governing board of such institution, but in no event less than Twenty Dollars (\$20.00) for a twelve (12) weeks term nor more than Thirty-five Dollars (\$35.00) for a twelve (12) weeks term.

"5. The foregoing provisions, requiring the governing boards to collect tuition, shall not be interpreted as depriving the said boards of the right to collect such library, laboratory, and other fees as they are now permitted by law to collect."

We are also of the opinion that Section 2 of the Pollard Bill is still in force, and it provides:

"Any such educational institution may collect from each . . . and laboratory charges to cover actual laboratory materials and supplies used by such student not to exceed in any event four (\$4.00) dollars for any one year from any one student in any one laboratory course. . . ."

We are of the opinion that the amounts of money specified in Article 2654c are the specific amounts that can be charged, and the only amounts that can be charged to students other than the laboratory charges which are provided for in the Pollard Bill. We are, therefore, of the opinion that no other charges can be made and collected from students registering in said schools after September 1, 1933.

BSV:N:wb:cs

APPROVED:

/s/ Gerald C. Mann
ATTORNEY GENERAL OF TEXAS

Yours very truly
ATTORNEY GENERAL OF TEXAS
By /s/ Geo. S. Berry
Geo. S. Berry, Assistant

OK GRL